

Congress of the United States
Washington, DC 20515

September 28, 2016

Hon. Todd Valentine
President
National Association of State Election Directors
21946 Royal Montreal Drive, Suite #100
Katy, TX 77450

Dear President Valentine:

The U.S. Constitution reserves to the states the responsibility for administering elections. In the committee report for the 2002 Help America Vote Act, Congress explained that:

This system has many benefits that must be preserved. The dispersal of responsibility for election administration has made it impossible for a single centrally controlled authority to dictate how elections will be run, and thereby be able to control the outcome. This leaves the power and responsibility for running elections where it should be, in the hands of the citizens of this country. Local control has the further added benefit of allowing for flexibility, so that local authorities can tailor their procedures to meet the demands of disparate and unique communities. Further by leaving the responsibility for election administration in the hands of local authorities, if a problem arises, the citizens who live within their jurisdictions know whom to hold accountable. The local authorities who bear the responsibility cannot now, and should not in the future be able to, point the finger of blame at some distant, unaccountable, centralized bureaucracy.

Today, the states face the challenge of malefactors that are seeking to use cyberattacks to disrupt the administration of our elections. We urge the states to take full advantage of the robust public and private sector resources available to them to ensure that their network infrastructure is secure from attack. In addition, the Department of Homeland Security stands ready to provide cybersecurity assistance to those states that choose to request it. Such assistance does not entail federal regulation or binding federal directives of any kind, and we would oppose any effort by the federal government to exercise any degree of control over the states' administration of elections by designating these systems as critical infrastructure.

For over 200 years the states have overcome every challenge to ensure the smooth function of our democracy. We trust that you will take the steps necessary to meet the new challenges of the 21st century by securing your election systems against cyberattacks.

Sincerely,



Paul D. Ryan
Speaker



Nancy Pelosi
Democratic Leader



Mitch McConnell
Majority Leader



Harry Reid
Democratic Leader